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September 3, 2015

The Honorable Denise L. Cote  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

The Honorable John W. Lungstrum  
The Honorable James P. O'Hara  
United States District Court for the District of Kansas  
500 State Avenue, Suite 517  
Kansas City, Kansas 66101

RE: *NCUA v. Wachovia Capital Markets, LLC*, No. 13-cv-6719 (S.D.N.Y); *NCUA v. RBS Securities, LLC*, No. 11-2340 (D. Kan.) (consolidated with *NCUA v. Wachovia Capital Markets, LLC*, No. 11-2649 (D. Kan.)

Dear Judges Cote, Lungstrum, and O'Hara:

I write on behalf of of Defendants Wachovia Capital Markets, LLC and Wachovia Mortgage Loan Trust, LLC (collectively, "Wachovia") in accordance with the Courts' July 30, 2015 order that the parties "confer in an effort to reach agreement regarding a schedule for trying the New York actions and the Kansas actions in this coordinated litigation."

Having conferred with National Credit Union Administration Board ("NCUA"), Wachovia has no objection to the Courts' proposed schedule for Wachovia's "Tranche 1" trial in the Southern District of New York. Wachovia reserves all rights to seek an adjournment of its June 20, 2016 trial date if the Second Circuit Court of Appeals has not yet decided the appeal in *Fed. Deposit Ins. Corp. v. Chase Mortgage Fin. Corp., et al.*, No. 14-3648 (2014), prior to the trial date. Wachovia understands that NCUA does not oppose Wachovia's reservation of its rights.

Wachovia does not object to NCUA's proposal that trials in the Kansas actions commence in two tranches. Wachovia proposes, however, that the "Tranche 1" trials in Kansas, including Wachovia's, commence January 23, 2017 rather than January 9, 2017 (the date NCUA has proposed). Wachovia believes its proposed date would better accommodate holiday

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The Honorable John W. Lungstrum  
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September 3, 2015  
Page 2

schedules. Wachovia disagrees with the NCUA's suggestion that scheduling of the second tranche cases in Kansas would be unduly compressed if the first tranche trials started on January 23, but notes that the interval between the first and second tranches in Kansas may be adjusted if necessary. In any event, there appears to be no dispute here, as the NCUA states in its letter to the Courts that it "is amenable to any date in January that is available and acceptable to the Court."

Very truly yours,

*/s/ David H. Fry*

David H. Fry

cc: Counsel of Record (via ECF)